**REMARKS**

Reconsideration of the withdrawal of Claims 54 to 60 as being directed to a non-elected invention is requested. The Examiner opines that the method defined in Claims 54 to 60 comprise different methods with different steps, different functions and effects and different final outcomes than the product and method of production of Group I.

Group I comprises Claims 1, 5, 7 to 10 and 42 to 53.

Claim 54 has been amended to define Applicants' method of producing a microbial adherence inhibitor for inhibiting the adherence in respiratory tracts of swine of respiratory organisms selected from the group of respiratory organisms consisting of swine influenza (H1N1, H3N2), *Pasteurella multocida, Pasteurella haemolytica, Mycoplasma haemolytica, Mycoplasma hypopneumoniae, Haemophilus suis, Haemophilus somnus, Haemophilus parasuis* and *Haemophilus planopneumonia*. The bird antibody to the respiratory organism selected from this group of respiratory organisms in the entire contents of the eggs is stored for subsequent administration to the respiratory tract of the swine. This inhibits adherence of the organism to the respiratory tract of the swine. The result is the organism does not multiply and cause swine respiratory illness, such as swine influenza which can be transmitted to humans.

The method of producing a microbial adherence inhibitor defined in Claims 54 to 58 is included in the subject matter defined in Claims 1, 42 and 49. The claimed method is not different and does not have different effects and outcomes. The microbial adherence inhibitor reduces the ability of the selected organism to multiply in the respiratory tract of a swine and reduce illness, such as swine influenza in swine. The field of search and prior art are applicable to Claims 1, 42, 49 and 54 to 58. Applicants request examination of Claims 54 to 58 along with Claims 1, 5, 7 to 10, 42 and 46 to 58.

Claims 1, 10, 42, 48, 49 and 53 have been amended to define the alternative respiratory

organism as being selected from the group of respiratory organisms consisting of the listed organisms. These amendments overcome the rejection of these claims under 35 USC 112. The Examiner's direction concerning the alternative expression of the respiratory organisms is appreciated. These amended claims overcome the 35 USC 112 rejection.

Reconsideration of the rejection of Claims 1, 5, 7 to 10, 42 and 45 to 53 under 35 USC 112 as including new matter is requested.

Original Claims 13, 17, 30, 40 and 44 define the microbial adherence inhibitor organisms and method of producing the organisms as being from the class of organisms that include swine influenza (H1N1, H3N2). Original Claims 3, 28 and 29 define the microbial adherence inhibitor organisms and method of producing the organisms as being from the class of organisms including *P. multocida, M. haemophilus, H. somnus* and *H. suis.* These claims are dependent upon claims that define the microbial adherence inhibitor and method of making the same as including the steps defined in the claims presently of record. These claims are supported in the specification paragraphs 0004, 0005, 0006, 0007, 0022, 0051, 0052 and 0053.

Reconsideration of the rejection of Claims 1, 5, 7 to 9, 42, 45 to 47 and 39 to 52 as being unpatentable over Lee '054 in view of Okuno et al '070 is requested.

Lee discloses a method of isolating and purifying protein from egg yolk from eggs produced by avian animals, reptiles, amphibians or fish. The egg proteins are extracted using medium-chain fatty acids to obtain an egg protein-containing aqueous phase. The aqueous phase is then subjected to ion-exchange chematography. The recovered egg protein is then subjected to protein precipitation. After protein precipitation the recovered egg protein is subjected to gel filtration and/or desalting by dialysis or diafiltration.

Lee does not disclose a method of producing a microbial adherence inhibitor by inoculating female birds, in or about to reach their egg laying age with swine influenza (H1N1,

H3N2). Lee does not disclose allowing a period of time to permit the production in the bird of antibody-containing contents in the bird's eggs. Lee does not disclose isolating IgM and IgA immunoglobulins from the egg albumin. Lee does not disclose creating a microbial adherence inhibitor that binds to a respiratory organism, such as swine influenza (H1N1, H3N2), in the respiratory tract of a swine to reduce the ability of the respiratory organism to multiply in the respiratory tract of the swine.

Okuno et al disclose an anti-human influenza virus antibody. The antibody is prepared by immunizing a mammal such as a mouse, guinea pig or rabbit with an antigen. Spleen cells obtained from the animal are fused with myeloma cells to produce hybridomas which produce the antibody.

Okuno et al does not disclose inoculating female birds to produce a microbial adherence inhibitor using antibody-containing contents from the bird's eggs.

Reconsideration of the rejection of Claims 1, 5, 7 to 9, 42, 45 to 47 and 49 to 52 as being unpatentable over Tokoro '895 in view of Okuno et al '070 is requested.

Tokoro discloses a method of inhibiting diarrhea in animals with bird antibody IgY using the yolks, albumin and yolks of eggs. This method is related to the use of raw eggs by cattle herdspersons to treat scours diarrhea in cattle caused by intestinal infection. Tokoro is directed to a specific antibody containing substance from eggs and method of production and use thereof for the prevention and treatment of colibacillosis and diarrhea in animals. There is no disclosure in Tokoro of an IgY immunoglobulin that binds to colony-forming illness-causing immunogens. The antibody containing substance also is used as a nutrition supplement, and as an additive to food animals. Tokoro does not provide a teaching or a method for reducing or eliminating the incidence of illnesses caused by a colony-forming organism selected from a group of respiratory organisms consisting of swine influenza (H1N1, H3N2) by binding egg IgY immunoglobulins

combined with IgM and IgA immunoglobulins to the colony-forming respiratory organisms to reduce the ability of the respiratory organisms to multiply in the respiratory tracts of swine.

The object of the Tokoro disclosure is to administer to animals affected by an intestinal infection disease for therapeutic purposes. The Tokoro substance is also useful in the treatment of various infectious diseases, additives in food for livestock, cosmetics and medicines. Applicants' claimed method is not a treatment of a disease in animals. Applicants' microbial adherence inhibitor and method is the prevention of illnesses in swine. Applicants have discovered a new and useful product and method of preventing, as opposed to treating, respiratory illnesses in swine caused by a colony-forming respiratory organism from the class consisting of swine influenza (H1N1, H3N2). Also, Tokoro does not coat a dry feed carrier with a mixed egg yolk and albumin product as defined in Claims 7, 10, 45, 47 and 48.

Okuno et al has been discussed above as teaching an anti-human influenza virus antibody prepared by immunizing mammals.

Reconsideration of the rejection of Claims 8 to 10, 46 to 48 and 53 as being unpatentable over Lee '054 in view of Okuno et al '070 and Coleman '098 and further in view of Ishihara et '862 is requested.

Lee and Okuno et al have been discussed above.

Coleman discloses a method for lowering somatic cell count in the milk of a lactating ruminant. Egg antibody preparations are administered orally to the ruminant suffering from mastitis.

Ishihara et al discloses feed for animals that improves intestinal functions, feed efficiency and eliminates fecal and urinary malodor. The feed for poultry includes grains such as corn and wheat bran. These are conventional poultry feeds which are digested in the intestinal tract of poultry. Dairy cows consume corn, rye, and wheat bran along with hay and silage. Molasses has

been used by diary herpersons mixed with animal feeds. Ishihara et al is a product for the intestinal tracts of animals. It is not a respiratory product. There is no disclosure in neither Ishihara et al nor Coleman of an antibody of respiratory organism consisting of swine influenza (H1N1, H3N2) associated with a dry carrier material as defined in Claims 7, 9, 10, 45, 47 and 48.

In view of the above remarks Applicants request the allowance of Claims 1, 5, 7 to 10, 42 and 45 to 58.

Respectfully submitted,

PETER NASH and BRADLEY M. MITTENESS

By R. John Bartz

Richard John Bartz
Registration No. 40,500
Southdale Office Centre
6750 France Avenue South
Suite 350
Edina, MN 55435-1983
(952) 920-3959

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Name of applicant, assignee, or Registered Rep.

R. John Bartz
Signature

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